

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

In re)	Case No. 116670
)	
)	Related Case Nos.
)	S097160; S065934;
ANDERSON HAWTHORNE,)	S004707; Crim No. 25218
)	
Petitioner,)	Los Angeles Superior
)	Court Case No. A36104
)	
On Habeas Corpus)	
)	
)	

**APPLICATION FOR EXTENSION OF TIME TO FILE
TRAVERSE TO RETURN TO ORDER TO SHOW CAUSE**

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**Attorneys for Petitioner
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On December 10, 2003, this Court issued an Order to Show Cause to Respondent, Director of the California Department of Corrections, requiring her to demonstrate why the relief prayed for should not be granted on the grounds that petitioner is mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in the petition for writ of habeas corpus filed July 12, 2003. This Court required Respondent to file her Return to the Order to Show Cause on or before January 9, 2004.

Respondent requested and obtained two extensions of time, totaling 54 days, to file her return. Respondent subsequently filed her return on March 3, 2004. Petitioner's traverse is now due on April 2, 2004.

Petitioner's counsel have retained an expert in mental retardation, Dr. Harvey Switzky, to consult with them concerning Petitioner and his case. Counsel have scheduled an appointment between Petitioner and Dr. Switzky for April 22, 2004, which is the first date that Dr. Switzky has available to see Petitioner.

Given the enormous stakes involved for Petitioner in this matter, Petitioner's counsel believes it is necessary and appropriate that Dr. Switzky meet with Petitioner in advance of the filing of Petitioner's traverse. For this reason, Petitioner's counsel requests a single thirty day extension of time to file their

traverse, until May 3, 2004.¹ Petitioner's counsel do not anticipate that they will be requesting any additional extensions of time to file their traverse.

DATED: March 23, 2004 Respectfully submitted,

MARIA E. STRATTON
Federal Public Defender
SEAN KENNEDY
Supervising Deputy Federal Public Defender

By: _____
HARRY SIMON
Deputy Federal Public Defender

Counsel for Petitioner
ANDERSON HAWTHORNE, JR.

¹May 2, 2004, which falls thirty days after the current due date of April 2, 2003, is on a Sunday. For this reason, the granting of a thirty day extension of time to file the Traverse would extend the time for filing to Monday, May 3, 2004. Code of Civil Procedure §§ 12, 12b.

PROOF OF SERVICE

I, the undersigned, declare that: I am employed in Los Angeles County, California; my business address is the Federal Public Defender's Office, 321 East Second Street, Los Angeles, California 90012-4202; I am over the age of eighteen years; I am not a party to the action entitled below; I am employed by the Federal Public Defender for the Central District of California, who is a member of the bar of the United States District Court for the Central District of California, and at whose direction I served a copy of the attached

INFORMAL REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS

CORPUS on the following individual(s), addressed as follows, by:

[] Placing same in a sealed envelope for collection and interoffice delivery:	[] Placing same in an envelope for hand-delivery:	[X] Placing same in a sealed envelope for collection and mailing via the United States Post Office:	[] Faxing same via facsimile machine:
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**I declare under penalty of perjury that the foregoing
is true and correct to the best of my knowledge.**

**This proof of service is executed at Los Angeles, California, on August
___, 2003.**

Patricia Jacobson

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